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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ADAMS, GREGORY W

ART UNIT PAPER NUMBER

3652

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/767,594

Applicant(s)

COLLINS, VIRGIL L.

Examiner

Gregory W. Adams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/17/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2 & 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Niemela (US 6,565,307) published on Aug. 26, 1999.

3. With respect to claim 1, referring to FIGS. 1-4 Niemela discloses a system for loading and unloading a container K comprising an elongated body 8, 9, carriage 11, 19, rollers 2, multi-stage central hydraulic cylinder 14 having a fixed end attached to an elongated body rear 9 and a moving end attached to a carriage 11, 19, means 19 for releasably engaging a container and moves with a carriage, and hydraulic cylinders 5, 5, 5 connected to a vehicle R and an elongated body 8, 9.

4. With respect to claim 2, referring to FIGS. 1-4 Niemela discloses a jib and hook lift 19 which engages a lift bar K, and an elongated body 8, 9 which contains a second pair of hydraulic cylinders 14, 17a-c attached to a carriage 11, 19 and engaging means 19.

5. With respect to claim 6, referring to FIGS. 1-4 Niemela discloses a system for loading and unloading a container K comprising an elongated body 8, 9, carriage 11, 19, rollers 2, multi-stage central hydraulic cylinder 14 having a fixed end attached to an

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elongated body rear 9 and a moving end attached to a carriage 19, a jib and hook lift 19, and hydraulic cylinders 5, 5, 5, 5 connected to a vehicle R and elongated body 8, 9.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niemela (US 6,565,307) as applied to claim 1 above, and further in view of Corompt (US 3,239,080).

8. With respect to claims 3-4, Niemela discloses the claimed invention except for a cable and cable sheave. Referring to FIGS. 1-5 Corompt discloses a system for loading and unloading a container 1 comprising an elongated body 6 having a cable sheave 18a-b attached to a carriage 3, cable 20a-b which engages a cable sheave 18a-b wherein a cable 20a-b fixed end attaches to an elongated body 6 and a cable free end engages a container 29. Corompt teaches a cable and sheave arrangement to load bulky loads having overall dimensions close to legal limits on to a vehicle trailer for independent road train. Col. 1, Ins. 10-30. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Niemela to include a cable and cable sheave, as per the teachings of Corompt, to load bulky loads having overall dimensions close to legal limits on to a vehicle trailer for independent road train.

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9. With respect to claim 5, referring to FIGS. 1-4 Niemela discloses a system for loading and unloading a container K comprising an elongated body 8, 9, carriage 11, 19, rollers 2, multi-stage central hydraulic cylinder 14 having a fixed end attached to an elongated body rear 9 and a moving end attached to a carriage 19, and hydraulic cylinders 5, 5, 5, 5. Niemela does not disclose a cable and cable sheave. Referring to FIGS. 1-5 Corompt discloses a system for loading and unloading a container 1 comprising an elongated body 6 having a cable sheave 18a-b attached to a carriage 3, cable 20a-b which engages a cable sheave 18a-b wherein a cable 20a-b fixed end attaches to an elongated body 6 and a cable free end engages a container 29. Corompt teaches a cable and sheave arrangement to load bulky loads having overall dimensions close to legal limits on to a vehicle trailer for independent road train. Col. 1, Ins. 10-30. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Niemela to include a cable and cable sheave, as per the teachings of Corompt, to load bulky loads having overall dimensions close to legal limits on to a vehicle trailer for independent road train.

10.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

EP 567363 A1 to Heritier

US 3,819,075 to Derain

US 5,542,808 to Chiron et al.

US 5,725,350 to Christenson

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US 6,092,863 to Hagenbuch et al.

US 6,857,840 to Simpson et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (703) 305-0555. The examiner can normally be reached on M-F, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (703) 308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gwa


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